

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 1:14-CR-306
	)	
PEDRO ANTHONY ROMERO CRUZ,	)	The Honorable Gerald Bruce Lee
et al.,	)	
	)	
Defendants	)	
	)	

GOVERNMENT'S SUPPLEMENTAL RESPONSE  
TO DEFENDANTS' MOTIONS TO CONTINUE

The United States of America, by and through its attorneys, Dana J. Boente, United States Attorney, Stephen M. Campbell, Julia K. Martinez, and Tobias D. Tobler, Assistant United States Attorneys, respectfully submits this response to Defendant Duran Cerritos's Motion to Continue (Dkt. No. 610), and this revised response to Defendant Paiz Guevara's Motion to Continue (Dkt. No. 597). For the reasons set forth below, the government opposes severing the trial.

Trial is set for March 21, 2016. On January 29, 2016, counsel for Paiz Guevara moved to continue Paiz Guevara's case, citing the recent medical diagnosis of one of Paiz Guevara's attorneys. (Dkt. No. 610). The government opposed any continuance, but expressed a preference for severing Paiz Guevara rather than continuing the entire trial against Paiz Guevara and his codefendants. (Dkt. No. 602). As the government explained, because Paiz Guevara is charged in only one murder in the Third Superseding Indictment, a number of witnesses who will testify in the March 2016 trial would not need to testify for a second time in Paiz Guevara's trial.

On February 3, 2016, counsel for Duran Cerritos filed a motion for a continuance of the trial, or, in the alternative, for severance of Duran Cerritos, also citing the recent medical diagnosis of one of the defendant's attorneys. (Dkt. No. 610). For the reasons stated in its prior response, the government continues to submit that any delay in the trial date is prejudicial to the government, the victims' families, and the remaining defendants. However, in light of the motions filed now by multiple defendants, the government respectfully advises the Court that it opposes severance and would prefer a continuance of the entire trial. Unlike Paiz Guevara, Duran Cerritos is charged in the Third Superseding Indictment with two murders, including the murder for which Paiz Guevara is charged. A separate trial for Duran Cerritos and Paiz Guevara would require that most of the government's witnesses testify twice. This would not only doubly tax the resources of the Court and the government, but it would also increase security concerns for the many witnesses who would be called on to testify in two separate trials. For this reason, if given a choice between continuing the entire trial and severing these two defendants, the government would strongly prefer a continuance of the entire matter.

Respectfully submitted,

Dana J. Boente  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd of January, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically generated a Notice of Electronic Filing to counsel of record.

/s/

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